

BEFORE THE BOARD OF REAL ESTATE APPRAISERS

STATE OF IDAHO

ORIGINAL

In the Matter of the License of:)
BRENT BAINBRIDGE,)
License No. LRA-102,)
Respondent.)

Case No. REA-B1-02-02-007

**STIPULATED REPRIMAND
AND CONSENT ORDER**

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WHEREAS, information having been received by the Idaho State Board of Real Estate Appraisers (hereinafter the "Board") which constitutes sufficient grounds for the initiation of an administrative action against Brent Bainbridge (hereinafter "Respondent"); and

WHEREAS, the parties mutually agree to settle the matter pending administrative Board action in an expeditious manner; now, therefore,

IT IS HEREBY STIPULATED AND AGREED between the undersigned parties that this matter shall be settled and resolved upon the following terms:

A.

1. The Board may regulate the practice of real estate appraisals in the State of Idaho in accordance with title 54, chapter 41, Idaho Code.

2. Respondent Brent Bainbridge was licensed by the Idaho State Board of Real Estate Appraisers under License No. LRA-102 on December 27, 1991, to engage in the practice of real estate appraisals. Respondent's continued right to licensure is subject to Respondent's compliance with the laws of the Board codified at title 54, chapter 41, Idaho Code, and the rules of the Board, promulgated at IDAPA 24.18.01.

3. Board Rule 401.02 states that all certified/licensed real estate appraisers must complete "[t]he equivalent of fifteen (15) classroom hours of instruction in courses or seminars for each year during the three (3) years during the period preceding the

renewal.” Thus, a three-year certification term would require forty-five (45) hours of continuing education, and the 45 hours may be obtained at any time during the three-year term.

4. Board Rule 401.02.c states that all credit for the classroom hour requirement may be obtained by accredited courses which have been approved by the appraisal members of The Appraisal Foundation and by courses approved by Real Estate Appraiser Boards of states with reciprocity with Idaho. All other courses must have approval of the Board, which shall require documentation including the instructors and their qualifications, course content, length of course, and its location.

5. Respondent’s three-year cycle for continuing education requirements began July 1, 1998, and ended June 30, 2001. For that period, Respondent submitted the following continuing education credits:

<u>Date</u>	<u>Course</u>	<u>Board Approved?</u>	<u>C.E. Hours Granted</u>
11/14/98- 11/15/98	FHA Appraising: Changes and Trends	Yes	15

6. Since July 1, 2001, Respondent has submitted the following continuing education credits:

<u>Date</u>	<u>Course</u>	<u>Board Approved?</u>	<u>C.E. Hours Granted</u>
9/10/01	Factory-Built Housing	Yes	7
9/10/01	Information Technology & The Appraiser	Yes	7
10/26/01	Uniform Standards of Professional Appraisal Practice	Yes	15
11/26/01	Income Capitalization	Yes	7

7. Respondent failed to submit proof to the Board by June 30, 2001, that he completed 45 hours of continuing education during the three-year period beginning July 1, 1998, and ending June 30, 2001, as required by Board Rule 401.02. As of November

26, 2001, Respondent had completed the 45-hour continuing education requirement for July 1, 1998, through June 30, 2001.

8. The above-stated allegations, if proven, would constitute a violation of the laws and rules governing the practice of real estate appraisals, specifically Idaho Code § 54-4107(1)(d) and IDAPA 24.18.01.401.02. Violations of these laws and rules would further constitute grounds for disciplinary action against Respondent's license to practice real estate appraisals in the State of Idaho.

9. Respondent, in lieu of proceeding with a formal disciplinary action to adjudicate the allegations as set forth above, hereby admits the violations and agrees to the discipline against his license as set forth in Section C below.

B.

I, Brent Bainbridge, by affixing my signature hereto, acknowledge that:

1. I have read and admit the allegations pending before the Board, as stated above in section A. I further understand that these allegations constitute cause for disciplinary action upon my license to practice real estate appraisals in the State of Idaho.

2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to so testify myself; the right to reconsideration; the right to appeal; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of real estate appraisals in the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this stipulation as a resolution of the pending allegations.

3. I understand that in signing this consent order I am enabling the Board to impose disciplinary action upon my license without further process.

C.

Based upon the foregoing stipulation, it is agreed that the Board may issue a decision and order upon this stipulation whereby:

1. Respondent is hereby formally reprimanded by the Board.
2. The continuing education credit obtained and used by Respondent to meet the 45-hour mandatory continuing education hours for the reporting period July 1, 1998, to June 30, 2001, shall not be applied toward Respondent's following three-year cycle of continuing education requirements; *i.e.*, July 1, 2001, to June 30, 2004.
3. Respondent shall pay to the Board an administrative fine in the amount of Five Hundred and No/100 Dollars (\$500.00) within sixty (60) days of the entry of the Board's Order.
4. Respondent shall pay investigative costs and attorney fees in the amount of Two Hundred Fifty and No/100 Dollars (\$250.00) within thirty (30) days of the entry of the Board's Order.
5. All costs associated with compliance with the terms of this stipulation are the sole responsibility of Respondent.
6. The violation of any of the terms of this Stipulated Reprimand and Consent Order by Respondent will warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulated Reprimand and Consent Order.

D.

1. It is hereby agreed between the parties that this Stipulated Reprimand and Consent Order shall be presented to the Board with a recommendation for approval from the Deputy Attorney General responsible for prosecution before the Board at the next regularly scheduled meeting of the Board.
2. Respondent understands that the Board is free to accept, modify with Respondent's approval, or reject this Stipulated Reprimand and Consent Order, and if rejected by the Board, a formal complaint may be filed against Respondent. Respondent hereby agrees to waive any right Respondent may have to challenge the impartiality of

the Board to hear the disciplinary complaint if, after review by the Board, this Stipulated Reprimand and Consent Order is rejected.

3. If the Stipulated Reprimand and Consent Order is not accepted by the Board, it shall be regarded as null and void. Admissions by Respondent in the Stipulated Reprimand and Consent Order will not be regarded as evidence against Respondent at the subsequent disciplinary hearing.

4. The Stipulated Reprimand and Consent Order shall not become effective until it has been approved by a majority of the Board and endorsed by a representative member of the Board.

5. Any failure on the part of Respondent to timely and completely comply with any term or condition herein shall be deemed a default.

6. Any default of this Stipulated Reprimand and Consent Order shall be considered a violation of Idaho Code § 54-4107. If Respondent violates or fails to comply with this Stipulated Reprimand and Consent Order, the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board. Within twenty-one (21) days after the notice of hearing and charges is served, Respondent shall submit a response to the allegations. If Respondent does not submit a timely response to the Board, the allegations will be deemed admitted.

b. At the hearing before the Board upon default, the Board and Respondent may submit affidavits made on personal knowledge and argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited to such affidavits and this Stipulated Reprimand and Consent Order. Respondent waives a hearing before the Board on the facts and substantive matters related to the violations described in Section A, and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

c. At the hearing, the Board will determine whether to impose additional disciplinary action, which may include conditions or limitations upon Respondent's practice or suspension or revocation of Respondent's license.

7. The Board shall have the right to make full disclosure of this Stipulated Reprimand and Consent Order and the underlying facts relating hereto to any state, agency or individual requesting information subject to any applicable provisions of the Idaho Public Records Act, Idaho Code §§ 9-337-50.

8. This Stipulated Reprimand and Consent Order contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I will be waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this stipulation according to the aforementioned terms, and I hereby agree to the above stipulation for settlement. I understand that if the Board approves this stipulation subject to changes, and the changes are acceptable to me, the stipulation will take effect and an order modifying the terms of the stipulation will be issued. If the changes are unacceptable to me or the Board rejects this stipulation, it will be of no effect.

DATED this 5th day of December, 2001.



Brent Bainbridge
Respondent

I concur in this stipulation and order.

DATED this 6 day of December, 2001.

STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By Kirsten Wallace
Kirsten L. Wallace
Deputy Attorney General

Pursuant to Idaho Code § 54-4106, the foregoing is adopted as the decision of the Board of Real Estate Appraisers in this matter and shall be effective on the 11 day of February, 2002. IT IS SO ORDERED.

IDAHO STATE BOARD
OF REAL ESTATE APPRAISERS

By Stanley Moe
~~R. Doyle Pugmire~~, Chair
STANLEY MOE

CERTIFICATE OF SERVICE

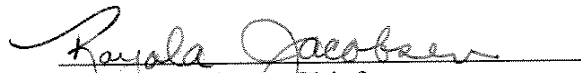
I HEREBY CERTIFY that on this 11 day of February, 2002, I caused to be served a true and correct copy of the foregoing addressed and mailed as follows:

Brent Bainbridge
151 SW First Street
Ontario, OR 97914

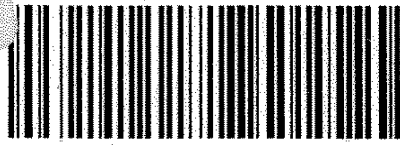
☒ U.S. Mail, postage prepaid
☒ Certified U.S. Mail, return receipt
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile: _____
☐ Statehouse Mail

Kirsten L. Wallace
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail, postage prepaid
☐ Certified U.S. Mail, return receipt
☐ Hand Delivery
☐ Overnight Mail
☐ Facsimile: _____
☒ Statehouse Mail


Rayola Jacobsen, Chief
Bureau of Occupational Licenses

CERTIFIED MAIL



7000 1530 0005 5349 2521

STATE OF IDAHO
Department of Self-Governing Agencies
Bureau of Occupational Licenses

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Brent Bainbridge
151 SW First St.
Ontario, OR 97914

7000 1530 0005 5349 2521

2. Article Number (Copy from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X *Uma B. Davis* ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811, July 1999

Domestic Return Receipt

102595-99-M-1789

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only. No Insurance Coverage Provided)

STIPULATED REPRIMAND AND CONSENT ORDER

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
BRENT BAINBRIDGE
Street, Apt. No., or PO Box No.
151 SW First St.
City, State, ZIP+4
Ontario, OR 97914

PS Form 3800, May 2000

See Reverse for Instructions